

103D CONGRESS
1ST SESSION

H. R. 1818

To amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1993

Mr. MARKEY (for himself, Mr. HENRY, Mr. UPTON, Mr. BONIOR, Mr. BEIL-ENSON, Mr. BROWN of California, Mr. DELLUMS, Mr. WAXMAN, Mr. MILLER of California, Mrs. SCHROEDER, Ms. DELAURO, Mr. WALSH, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY, Mr. HOEKSTRA, Ms. PELOSI, Mr. YATES, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. STUDDS, Mr. ANDREWS of Maine, Mr. CONYERS, Mr. KILDEE, Mr. STUPAK, Mr. KENNEDY, Mrs. MORELLA, Mr. PALLONE, Mr. MCHALE, Mr. ACKERMAN, Mr. HINCHEY, Mr. OWENS, Mr. SCHUMER, Mr. STOKES, Mr. EVANS, Mr. KOPETSKI, Mr. SANDERS, Mr. ROMERO-BARCELÓ, Mr. DE LUGO, Mr. LEVIN, Mr. FORD of Michigan, Mr. NADLER, Mr. FILNER, Ms. SLAUGHTER, Mr. WYDEN, Ms. ESHOO, Ms. FURSE, Mr. KREIDLER, Ms. SCHENK, Ms. MARGOLIES-MEZVINSKY, Mr. LEACH, Mrs. MALONEY, Mr. GILCHREST, Mr. BLACKWELL, Ms. WOOLSEY, Mr. EDWARDS of California, Mr. BERMAN, Mr. STARK, Mr. LANTOS, Mr. CARR, Mr. DEFazio, Mr. FRANKS of New Jersey, Mr. McDERMOTT, Mr. SHAYS, and Ms. SNOWE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Beverage
5 Container Reuse and Recycling Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The failure to reuse and recycle empty bev-
9 erage containers represents a significant and unnec-
10 essary waste of important national energy and mate-
11 rial resources.

12 (2) The littering of empty beverage containers
13 constitutes a public nuisance, safety hazard, and
14 aesthetic blight and imposes upon public agencies,
15 private businesses, farmers, and landowners unnec-
16 essary costs for the collection and removal of such
17 containers.

18 (3) Solid waste resulting from such empty bev-
19 erage containers constitutes a significant and rapidly
20 growing proportion of municipal solid waste and in-
21 creases the cost and problems of effectively manag-
22 ing the disposal of such waste.

23 (4) It is difficult for local communities to raise
24 the necessary capital needed to initiate comprehen-
25 sive recycling programs.

1 (5) The reuse and recycling of empty beverage
2 containers would help eliminate these unnecessary
3 burdens on individuals, local governments, and the
4 environment.

5 (6) Several States have previously enacted and
6 implemented State laws designed to protect the envi-
7 ronment, conserve energy and material resources
8 and promote resource recovery of waste by requiring
9 a refund value on the sale of all beverage containers,
10 and these have proven inexpensive to administer and
11 effective at reducing financial burdens on commu-
12 nities by internalizing the cost of recycling and litter
13 control to the producers and consumers of bev-
14 erages.

15 (7) A national system for requiring a refund
16 value on the sale of all beverage containers would
17 act as a positive incentive to individuals to clean up
18 the environment and would result in a high level of
19 reuse and recycling of such containers and help re-
20 duce the costs associated with solid waste manage-
21 ment.

22 (8) A national system for requiring a refund
23 value on the sale of all beverage containers would re-
24 sult in significant energy conservation and resource
25 recovery.

1 (9) The reuse and recycling of empty beverage
2 containers would eliminate these unnecessary bur-
3 dens on the Federal Government, local and State
4 governments, and the environment.

5 (10) The collection of unclaimed refunds from
6 such a system would provide the resources necessary
7 to assist comprehensive reuse and recycling pro-
8 grams throughout the Nation.

9 (11) A national system of beverage container
10 recycling is consistent with the intent of the Re-
11 source Conservation and Recovery Act of 1976 (42
12 U.S.C. 6901 et seq.).

13 (12) The provisions of this Act are consistent
14 with the goals set in January 1988, by the Environ-
15 mental Protection Agency, which establish a national
16 goal of 25 percent source reduction and recycling by
17 1992, coupled with a substantial slowing of the pro-
18 jected rate of increase in waste generation by the
19 year 2000.

20 **SEC. 3. AMENDMENT OF SOLID WASTE DISPOSAL ACT.**

21 (a) AMENDMENT.—The Solid Waste Disposal Act is
22 amended by adding the following new subtitle at the end
23 thereof:

24 “SUBTITLE K—BEVERAGE CONTAINER RECYCLING

25 **“SEC. 12001. DEFINITIONS.**

26 “For purposes of this subtitle—

1 “(1) The term ‘beverage’ means beer or other
2 malt beverage, mineral water, soda water, wine cool-
3 er, or a carbonated soft drink of any variety in liq-
4 uid form intended for human consumption.

5 “(2) The term ‘beverage container’ means a
6 container constructed of metal, glass, plastic, or
7 some combination of these materials and having a
8 capacity of up to one gallon of liquid and which is
9 or has been sealed and used to contain a beverage
10 for sale in interstate commerce. The opening of a
11 beverage container in a manner in which it was de-
12 signed to be opened and the compression of a bev-
13 erage container made of metal or plastic shall not,
14 for purposes of this section, constitute the breaking
15 of the container if the statement of the amount of
16 the refund value of the container is still readable.

17 “(3) The term ‘beverage distributor’ means a
18 person who sells or offers for sale in interstate com-
19 merce to beverage retailers beverages in beverage
20 containers for resale.

21 “(4) The term ‘beverage retailer’ means a per-
22 son who purchases from a beverage distributor bev-
23 erages in beverage containers for sale to a consumer
24 or who sells or offers to sell in commerce beverages
25 in beverage containers to a consumer.

1 “(5) The term ‘consumer’ means a person who
2 purchases a beverage container for any use other
3 than resale.

4 “(6) The term ‘refund value’ means the amount
5 specified as the refund value of a beverage container
6 under section 12002.

7 “(7) The term ‘wine cooler’ means a drink con-
8 taining less than 7 percent alcohol (by volume), con-
9 sisting of wine and plain, sparkling, or carbonated
10 water and containing any one or more of the follow-
11 ing: non-alcoholic beverage, flavoring, coloring mate-
12 rials, fruit juices, fruit adjuncts, sugar, carbon diox-
13 ide, preservatives.

14 **“SEC. 12002. REQUIRED BEVERAGE CONTAINER LABELING.**

15 “Except as otherwise provided in section 12007, no
16 beverage distributor or beverage retailer may sell or offer
17 for sale in interstate commerce a beverage in a beverage
18 container unless there is clearly, prominently, and securely
19 affixed to, or printed on, the container a statement of the
20 refund value of the container in the amount of 10 cents.
21 The Administrator shall promulgate rules establishing
22 uniform standards for the size and location of the refund
23 value statement on beverage containers. The 10 cent
24 amount specified in this section shall be subject to adjust-
25 ment by the Administrator as provided in section 12008.

1 **“SEC. 12003. ORIGATION OF REFUND VALUE.**

2 “For each beverage in a beverage container sold in
3 interstate commerce to a beverage retailer by a beverage
4 distributor, the distributor shall collect from the retailer
5 the amount of the refund value shown on the container.
6 With respect to each beverage in a beverage container sold
7 in interstate commerce to a consumer by a beverage re-
8 tailer, the retailer shall collect from the consumer the
9 amount of the refund value shown on the container. No
10 person other than the persons described in this section
11 may collect a deposit on a beverage container.

12 **“SEC. 12004. RETURN OF REFUND VALUE.**

13 “(a) PAYMENT BY RETAILER.—If any person tenders
14 for refund an empty and unbroken beverage container to
15 a beverage retailer who sells (or has sold at any time dur-
16 ing the period of 3 months ending on the date of such
17 tender) the same brand of beverage in the same kind and
18 size of container, the retailer shall promptly pay such per-
19 son the amount of the refund value stated on the
20 container.

21 “(b) PAYMENT BY DISTRIBUTOR.—If any person
22 tenders for refund an empty and unbroken beverage con-
23 tainer to a beverage distributor who sells (or has sold at
24 any time during the period of 3 months ending on the
25 date of such tender) the same brand of beverage in the
26 same kind and size of container, the distributor shall

1 promptly pay such person (1) the amount of the refund
2 value stated on the container, plus (2) an amount equal
3 to at least 2 cents per container to help defray the cost
4 of handling. This subsection shall not preclude any person
5 from tendering beverage containers to persons other than
6 beverage distributors.

7 “(c) AGREEMENTS.—(1) Nothing in this subtitle
8 shall preclude agreements between distributors, retailers,
9 or other persons to establish centralized beverage collec-
10 tion centers, including centers which act as agents of such
11 retailers.

12 “(2) Nothing in this subtitle shall preclude agree-
13 ments between beverage retailers, beverage distributors, or
14 other persons for the crushing or bundling (or both) of
15 beverage containers.

16 **“SEC. 12005. ACCOUNTING FOR UNCLAIMED REFUNDS AND**
17 **PROVISIONS FOR STATE RECYCLING FUNDS.**

18 “(a) UNCLAIMED REFUNDS.—At the end of each cal-
19 endar year each beverage distributor shall pay to each
20 State an amount equal to the sum by which the total re-
21 fund value of all containers sold by the distributor for re-
22 sale in that State during that year exceeds the total sum
23 paid during that year by the distributor under section
24 12004(b) to persons in that State. The total of unclaimed
25 refunds received by any State under this section shall be

1 available to carry out pollution prevention and recycling
2 programs in that State.

3 “(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the
4 total of payments made by a beverage distributor in any
5 calendar year under section 12004(b) for any State exceed
6 the total refund value of all containers sold by the dis-
7 tributor for resale in that State, the excess shall be cred-
8 ited against the amount otherwise required to be paid by
9 the distributor to that State under subsection (a) for a
10 subsequent calendar year designated by the beverage dis-
11 tributor.

12 **“SEC. 12006. PROHIBITIONS ON DETACHABLE OPENINGS**
13 **AND POST-REDEMPTION DISPOSAL.**

14 “(a) DETACHABLE OPENINGS.—No beverage dis-
15 tributor or beverage retailer may sell, or offer for sale,
16 in interstate commerce a beverage in a metal beverage
17 container a part of which is designed to be detached in
18 order to open such container.

19 “(b) POST-REDEMPTION DISPOSAL.—No retailer or
20 distributor or agent of a retailer or distributor may dis-
21 pose of any beverage container labeled under section
22 12002 or any metal, glass, or plastic from such a beverage
23 container (other than the top or other seal thereof) in any
24 landfill or other solid waste disposal facility.

1 **“SEC. 12007. EXEMPTED STATES.**

2 “(a) IN GENERAL.—The provisions of sections 12002
3 through 12005 and sections 12008 and 12009 of this sub-
4 title shall not apply in any State which—

5 “(1) has adopted and implemented require-
6 ments applicable to all beverage containers sold in
7 that State which the Administrator determines to be
8 substantially identical to the provisions of sections
9 12002 through 12005 and sections 12008 and
10 12009 of this subtitle; or

11 “(2) demonstrates to the Administrator that,
12 for any period of 12 consecutive months following
13 the date of the enactment of this subtitle, such State
14 achieved a recycling or reuse rate for beverage con-
15 tainers of at least 70 percent.

16 If at any time following a determination under paragraph
17 (2) that a State has achieved a 70 percent recycling or
18 reuse rate the Administrator determines that such State
19 has failed, for any 12-consecutive month period, to main-
20 tain at least a 70 percent recycling or reuse rate of its
21 beverage containers, the Administrator shall notify such
22 State that, upon the expiration of the 90-day period fol-
23 lowing such notification, the provisions under sections
24 12002 through 12005 and sections 12008 and 12009 shall
25 be applicable to that State until a subsequent determina-

1 tion is made under subparagraph (A) or a demonstration
2 is made under subparagraph (B).

3 “(b) DETERMINATION OF TAX.—No State or political
4 subdivision which imposes any tax on the sale of any bev-
5 erage container may impose a tax on any amount attrib-
6 utable to the refund value of such container.

7 “(c) EFFECT ON OTHER LAWS.—Nothing in this
8 subtitle shall be construed to affect the authority of any
9 State or political subdivision thereof to enact or enforce
10 (or continue in effect) any law respecting a refund value
11 on containers other than beverage containers or from reg-
12 ulating redemption and other centers which purchase
13 empty beverage containers from beverage retailers, con-
14 sumers, or other persons.

15 **“SEC. 12008. REGULATIONS.**

16 “Not later than 12 months after the enactment of
17 this subtitle, the Administrator shall prescribe regulations
18 to carry out this subtitle. The regulations shall include a
19 definition of the term ‘beverage retailer’ in a case in which
20 beverages in beverage containers are sold to consumers
21 through beverage vending machines. Such regulations
22 shall also adjust the 10 cent amount specified in section
23 12002 to account for inflation. Such adjustment shall be
24 effective 10 years after the enactment of this subtitle and

1 additional adjustments shall take effect at 10 year inter-
2 vals thereafter.

3 **“SEC. 12009. PENALTIES.**

4 “Any person who violates any provision of section
5 12002, 12003, 12004, or 12006 shall be subject to a civil
6 penalty of not more than \$1,000 for each violation. Any
7 person who violates any provision of section 12005 shall
8 be subject to a civil penalty of not more than \$10,000 for
9 each violation.

10 **“SEC. 12010. EFFECTIVE DATE.**

11 “Except as provided in section 12008, this subtitle
12 shall take effect 2 years after the date of its enactment.”.

13 (b) TABLE OF CONTENTS.—The table of contents for
14 such Act is amended by adding the following at the end
15 thereof:

“SUBTITLE K—BEVERAGE CONTAINER RECYCLING

“Sec. 12001. Definitions.

“Sec. 12002. Required beverage containers labeling.

“Sec. 12003. Origination of refund value.

“Sec. 12004. Return of refund value.

“Sec. 12005. Accounting for unclaimed refunds and provisions for State recycling funds.

“Sec. 12006. Prohibitions on detachable openings and post-redemption disposal.

“Sec. 12007. Exempted States.

“Sec. 12008. Regulations.

“Sec. 12009. Penalties.

“Sec. 12010. Effective date.”.

